

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

NATIONWIDE INSURANCE COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 2:05cv94-KS-JMR

JAMES D. JOHNSON and  
ELIZABETH A. JOHNSON

DEFENDANTS

**ORDER**

THIS MATTER is before the court on Defendant Elizabeth A. Johnson's Motion to Strike Nationwide's response to Johnson's Motion to Exclude Expert Testimony of Norman Presson, Nationwide's expert. By the instant motion Johnson urges that the response should be stricken and that her motion to exclude should be granted as unopposed as allowed by Local Rule 7.2(C)(2). The court, having reviewed the Motion to Strike and Nationwide's response to it and being fully advised in the premises finds that Johnson filed her motion to exclude expert testimony on March 1, 2006; that service of the motion was effected electronically and by mail; that under Uniform Local Rule 7.2(D) Nationwide had ten days to respond to the motion; that according to Federal Rule of Civil Procedure 6(a) and (e), the response was due on March 20; that Nationwide did not seek additional time but filed the response on March 21, one day after it received the transcript of the deposition of Norman Presson; and that under the circumstances of this case, the court should not exercise its discretion to do as Johnson requests.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Defendant Elizabeth A. Johnson's Motion to Strike [#88] should be, and is hereby, **DENIED**

SO ORDERED on this, the 13th day of June, 2006.

s/ *Keith Starrett*

UNITED STATES DISTRICT JUDGE